

1 You know, working on the day-to-day as needed with
2 district departments like accounting, finance,
3 supplies. So conducting those kinds of duties.

4 Q With respect to the announcers, would you
5 give him like a list of preferences in terms of the
6 persons you wanted to have come in and then it would
7 be Mr. Helgeson's job to track these individuals down
8 and see which of them could actually come in?

9 A Yes. I mean, I would express a preference
10 for who I would want to be on the air first before
11 someone else. And you know that was mostly with
12 respect to how I thought that they sounded, how they
13 came across. You know, it was a call by ear. You
14 know, I like the way this person sounds, I think that
15 they do the breaks great. So my preference is to
16 schedule, you know, Elaine Chen before you call Kevin
17 Vance to do a shift a show.

18 Q In terms of the interaction with
19 accounting, would Mr. Helgeson actually handle money
20 that came into the station and then physically do
21 something with it?

22 A Yes. I know that I wasn't the one

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1 handling the, like, say checks that would come in with
2 membership renewals. I fully expected that Bill was -
3 - in fact, I know that Bill was the person who I
4 entrusted to handle those kind of transactions.

5 Q What would that actually entail? Checks
6 come in, what would he do with the money?

7 A Well, I mean the big picture is, the
8 checks would come in, Bill would internally have to
9 account for them. Then I guess additionally,
10 internally within the school district, deposit them in
11 our account with the school district.

12 Q By internally accounting, what's involved?

13 A I'm not sure if I understand the question.

14 Q Well, he's entering information to a book
15 or a computer program or, what is he doing?

16 A Well, there at the station we would have
17 to keep track of, you know, incoming. And so I
18 imagine Bill would take the check, put it into our
19 system, and then take the actual tender and then -- I
20 don't exactly know how he was getting it over to the
21 district accounting office or the financing accounting
22 office, but that's what he would do.

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1 Q The accounting office in turn was supposed
2 to give the station some kind of credit for having
3 brought in --

4 A Yes.

5 Q -- this money?

6 A Yes.

7 Q Was the KALW budget limited in some
8 fashion by how much money you were actually able to
9 raise?

10 A Yes. We knew -- I mean, you know, the --
11 we knew we were getting X amount of dollars from the
12 CPB. I mean, we knew that our goal for membership was
13 X amount of dollars on the revenue side. On the
14 expense side, we needed to pay NPR so this money to
15 get their programming.

16 We knew we had to pay salaries and so --
17 yes, I mean, we knew how much we had and we knew how
18 much we had to spend at the end of the year. Every
19 month we would make sure that the two balanced, as
20 best as possible.

21 Q What would happen in months, or were there
22 any months where the station didn't bring in enough

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1 money to cover the expenses that it had for that
2 month?

3 A I don't remember ever having any budget
4 crisis, but I can't recall any specific months where
5 we were so far behind or so far ahead in a good way.
6 But I don't remember ever having a budget crisis.

7 Q But the basic situation was that you never
8 were really able to relax, you would always have to
9 make sure that enough money was coming in month to
10 month?

11 A Oh, yes. Yes.

12 Q Sort of like living from paycheck to
13 paycheck in a way?

14 A No, I don't think we were living paycheck
15 to paycheck. Again, we never -- there was never a
16 budget crisis that I can remember ever having.

17 Q In terms of your graduation from CPB's
18 Next Generation Project, that was sometime in early
19 1997?

20 A The graduation ceremony was at a public
21 radio conference. It was here in Washington at our --
22 in fact, I had already started working at CPB, so it

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1 would have been in 1998.

2 Q Oh, okay. In terms of your graduation
3 class, Nicole Sawaya was one of them?

4 A Yes.

5 Q Is the Next Generation Project where you
6 first met her?

7 A Yes.

8 Q You met her fairly early on, in terms of
9 what would have been at the first workshop you had
10 mentioned before?

11 A Yes. Nicole and I met early on. We were
12 the only two people in the class from California so we
13 had, you know, something in common.

14 Q Did you actually fly out from San
15 Francisco -- the San Francisco area to Washington
16 together?

17 A No. I was living in San Diego at the
18 time.

19 Q Ah, okay. During your tenure together as,
20 I guess, participants in this Next Generation Project,
21 would you communicate --

22 A They call us mentees.

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1 Q They call you what?

2 A Mentees.

3 Q Mentees. Oh, okay. Well, when you were
4 co-mentees, did you communicate with each other?

5 A No, I don't remember communicating with
6 her, no. Not during the project.

7 Q Did you -- would you say that you became
8 friends during this project?

9 A Oh, yes.

10 Q Did you recommend her for the KALW general
11 manager's job?

12 A I remember when I was still working at CPB
13 Bill Helgeson called me and he let me know that they
14 were hiring a general manager and wanted to know what
15 -- how -- what I thought of Nicole and how she would
16 do on the job. I remember telling him that, you know,
17 I think Nicole would do well. She's got deep roots in
18 Bay area public broadcasting.

19 I thought that she had the kind of
20 background that to some -- in some respect that the
21 station staff of volunteers didn't see that I brought
22 to the station, because I was coming from Southern

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1 California as opposed to being a Northern Californian.
2 And Nicole had a long background there in Northern
3 California public broadcasting.

4 Q So your recommendation was basically
5 triggered by the phone call that Mr. Helgeson made to
6 you?

7 A Yes.

8 Q After the two of you finished with the
9 Next Generation Project, did you stay in touch with
10 each other?

11 A Yes.

12 Q This would come in the form of what,
13 telephone calls, e-mail exchanges, you actually had a
14 chance to see each other? How did this take place?

15 A We would, as result of our jobs, we would
16 run into each other at industry conferences. If I
17 happened to -- again, this is all when I'm at CPB now,
18 if I happened to be in San Francisco on vacation or
19 personal business, you know, I would call her up and
20 say hi, you know, and we would go grab lunch. And
21 that was pretty much the way that we would stay in
22 contact.

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1 Q So she -- when she first met you, you were
2 still at the station in San Diego?

3 A Correct.

4 Q Then during the course of the Next
5 Generation Project, that's when you were the general
6 manager at KALW?

7 A Correct.

8 Q Apparently when your class graduated, by
9 that time you had already left KALW and went on to the
10 Corporation for Public Broadcasting?

11 A Correct.

12 Q Did you ever tell Nicole why it was that
13 you changed jobs from being general manager for KALW
14 to going to the Corporation for Public Broadcasting?

15 A No, I don't remember telling her that. I
16 think most people knew. I mean it was -- it was --
17 yes, most people knew. Most people who I was close to
18 knew. I mean, if you are asking if I remember telling
19 her, no. But I think most people knew.

20 Q I mean, did she ever sympathize with you
21 that you got a raw deal, or that there was --

22 A Sympathize? Yes. I mean, we were friends

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1 and she knew that -- she knew that managing that
2 station takes a great deal of energy, it's tiring, I
3 was exhausted, I was frustrated, I gained 30 pounds,
4 and I needed to move on to something more positive.
5 So yes, I mean, she sympathized.

6 Q Did she know about the petition to deny?

7 A I don't know if she -- I don't know if she
8 knew or not. Again, it was pretty well publicized in
9 the industry newspaper.

10 Q Well, was she in the San Francisco area at
11 the time that the petition to deny was filed and the
12 difficulties that were going on at KALW were taking
13 place?

14 A No. I remember she was working at NPR as
15 the -- I think her job was -- she was the west coast
16 or western region Program Director.

17 Q Would that involve some interaction
18 between yourself and her?

19 A I mean that -- I imagine that that would
20 have been part of her job, but our NPR program
21 schedule is pretty stable. It's not like we were --
22 we had all the major programs, so it's not like she

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1 had to come out talk me into carrying all things
2 considered, I was already carrying it.

3 Q So from that standpoint you wouldn't have
4 had any particular reason to interact with her?

5 A Yes. I mean, my interaction with NPR
6 would have been mainly through, you know, member
7 services, since we were a member station.

8 Q Do you ever recall when you were general
9 manager that Nicole Sawaya came to your station to
10 discuss NPR matters?

11 A Well, no. No, I didn't -- I was reminded
12 that she -- someone told me that she had visited the
13 station. But before that I didn't remember that she
14 had ever visited the station.

15 Q Well that -- whoever that someone was, did
16 they -- did that trigger a memory on your part that
17 she had actually come to the station while you were
18 general manager?

19 A Yes. But --

20 Q That would have been what, one time?

21 A Yes.

22 Q But you're fairly -- your understanding

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1 would be that she had a pretty good idea as to why it
2 was you left KALW to go on to CPB?

3 A Oh, yes.

4 Q When you were at CPB, that was in this
5 area, correct?

6 A Correct.

7 Q Was Nicole in this area at the same time
8 you were? While you were at CPB was she still at NPR,
9 or had she already left the area to go someplace else
10 by the time you came to Washington?

11 A I don't -- I know she, at some point, went
12 back to San Francisco to manage the Pacifica station
13 there. I don't remember that after I had moved here
14 to Washington to start my job at CPB if she was still
15 here.

16 Q While you were at CPB and she was at the
17 Pacifica station, did you have any occasion to talk
18 with her?

19 A Yes. I can remember that year the public
20 radio conference was in San Francisco. And she had
21 already started at the Pacifica station. I remember
22 going out with a colleague of mine to visit the

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1 station. I remember -- yes, I remember seeing her
2 there at the station.

3 Q Did you talk with her at that time about
4 your tenure as general manager at KALW?

5 A No, I don't remember doing that. I mean
6 it would have been mostly social. I mean, in my
7 position at CPB, there wouldn't have been any --
8 because I was involved in the grants that we made to
9 produce national radio programs.

10 The colleague who I went out to visit her
11 with, he's the who would have had to do business with
12 her with respect to the station grants that CPB makes.

13 Q But you have a chance to talk with Nicole
14 when you were out there?

15 A Yes.

16 Q You didn't share any manager war stories
17 at that point?

18 A No. Actually, the reason why we went --
19 now I remember -- the reason why we went out there was
20 because the station decided to host a Next Generation
21 Project kind of reception.

22 Q So your interaction with Nicole at that

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1 point was mostly focused on the Next Generation
2 Project, whatever would have been discussed in
3 connection with that?

4 A Yes.

5 Q You didn't have a chance to tell her all
6 the wonderful things that happened while you were at
7 KALW?

8 A Not -- I don't remember at that time. It
9 was mostly social and -- mostly social.

10 Q Did there come a time when you learned
11 that she had left KPFA?

12 A Yes. I was told CPB and I, you know ,I --
13 the folks who work on the station grants side were two
14 offices down, so you know, I knew that she had left.

15 Q Did you talk with her about why she left?

16 A I don't -- I don't have a distinct memory
17 of talking to her.

18 Q Did you ever come to learn why it was that
19 she left?

20 A What I remember is her contract was not
21 renewed.

22 Q Do you have any recollection as to how you

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1 came to that knowledge?

2 A I think it just was part of my work at
3 CPB. One of those things that you hear in a staff
4 meeting where people are giving you a report of what's
5 going on with the system. Or I read it in the
6 Current. In any number of those ways is how I could
7 have found out about that.

8 Q Have you ever talked with Nicole about why
9 she left KPFA?

10 A No, I don't remember ever talking with her
11 about that. I mean, it's one of these things -- I
12 know it's painful for her. It's painful for any of us
13 to talk to a friend about something that we would
14 think was not a good experience for them. So I don't
15 think we have ever talked about it in really distinct
16 terms.

17 Q I was wondering whether the two of you may
18 have gotten together to commiserate about your
19 respective general manager experiences that may not
20 have come out quite as you would have hoped?

21 A Well, I mean -- like I said, I can't
22 remember anything explicit. With respect to two

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1 people who had managed stations, public, public radio
2 stations in the San Francisco Bay area where everyone
3 wants to have a say in things, I'm sure we kind of
4 shook our heads and went like, man, that's tough.

5 But with respect to talking about the
6 sensitive things, you know, I respect her privacy.
7 Unless she wanted to talk about it, I wasn't going to
8 press.

9 Q Would you say that you are still friends
10 with her?

11 A Yes. I mean, we, you know, we talk, we
12 catch up about -- I remember when I first met her, her
13 son was, you know, seven or eight years old and, you
14 know, we talked about the BMX bike that he wanted.

15 He just started his first year in college
16 and it's like, wow, they grow fast. That kind of
17 stuff.

18 Q In your deposition at page 50, which is
19 SFUSB Exhibit 1, page 51, not your initial testimony
20 it would be the second --

21 A Right.

22 Q Okay. It's in there and it would be the

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1 second set of materials. You volunteered that there
2 was a lot --

3 A What page again?

4 Q At page 51.

5 MR. PRICE: If I may, Your Honor, it's 51
6 of 142 on the bottom. In the upper right would be a
7 number 50, to solve the confusion.

8 THE WITNESS: Okay. So we're on page --

9 MR. PRICE: It's 51 on the bottom, and 50
10 on the upper right-hand corner.

11 JUDGE SIPPEL: This is the witness's
12 deposition of November 9, 2004, is that right?

13 MR. SHOOK: Correct.

14 JUDGE SIPPEL: Very good. Do you have the
15 page?

16 THE WITNESS: Oh, I'm here, yes.

17 BY MR. SHOOK:

18 Q Just to refresh your recollection before
19 I go into the specific questioning, you can take a
20 minute to read through the page if you need to.

21 A Where should I start reading?

22 MR. SHOOK: Just read the entire -- you

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1 can read the entire page.

2 MR. PRICE: May I ask the witness -- he
3 may also want to refer back to the prior pages to see
4 the question that's being asked.

5 MR. SHOOK: That's fine.

6 JUDGE SIPPEL: Why don't we go off the
7 record and you can let us know when you are ready to
8 go.

9 (Whereupon the above-entitled matter went
10 off the record at 11:45 a.m. and resumed at 11:46
11 a.m.)

12 JUDGE SIPPEL: Ready for a question?

13 BY MR. SHOOK:

14 Q In explaining what lay behind the Golden
15 Gate Public Radio petition to deny, you mention that
16 that there was a lot of animosity and resentment and
17 hostility at the station.

18 A Yes.

19 Q You also mentioned that Enrique Palacios
20 had mentioned to you that one of the things that you'd
21 be working on would be to heal the station, because
22 apparently the anger and hostility and volatility were

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1 very palpable.

2 A Yes.

3 Q Do you stand by those statements now?

4 A Yes.

5 Q Were you relating something that Mr.
6 Palacios raised with you before you even became the
7 station's general manager?

8 A You mean with respect to what I said
9 Enrique had told me I'd be working on the station and
10 healing the station?

11 Q Yes.

12 A Yes.

13 Q In other words, before you ever walked in
14 the door, according to Mr. Palacios, the station had
15 serious personnel issues?

16 A Not -- no, what I understood was he said
17 that, you would have to -- there'd be a lot of
18 healing, you would have to heal the station.

19 Q Healing in terms of things that had been
20 going on while Ms. Levinson was the general manager
21 that apparently led to some anger?

22 A I don't think it was only -- it wasn't

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1 only during Ms. Levinson's tenure, I think it was just
2 a kind of tension that had developed over a number of
3 years.

4 Q Now at this point in time you were in your
5 late twenties?

6 A Yes.

7 Q You had never been a general manager
8 before, correct?

9 A Correct.

10 Q You had been -- in your capacity as
11 production manager I think there were, what? Three,
12 four, five people you basically had to sort of manage
13 -- be responsible for?

14 A Yes. I managed two full-time producers,
15 two associate producers, and some part-time production
16 assistants and student interns and other community
17 volunteers.

18 Q In an environment that was relatively
19 stable?

20 A Yes. We were all headed in the same
21 direction.

22 Q Did it ever strike you as odd that given

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1 your background that you would be thrust into such a
2 volatile situation?

3 A No -- I mean, I think that -- no I think
4 that one of the things that, you know, that impressed
5 upon Enrique was that -- and I know this -- I'm a
6 manager, I don't take things to the extreme, I get
7 along with people, I'm diplomatic.

8 Again, I know I said that at KPBS we were
9 all headed in the same direction, but you know, there
10 were moments of disagreement and tension on my own
11 staff. Like, I think we should doing this kind of
12 program instead of this program. I think this person
13 should be the guest instead of this person be the
14 guest. I think you should say it this way instead of
15 this way. I think we should take this call instead of
16 this call.

17 So you know, I was constantly in some kind
18 of mediating role or, you know, you know, managing
19 human beings, for lack of a better term. I think I
20 can -- by nature I am that way. So when he told me
21 that there would be some healing, I thought, okay, I
22 could do that, that's -- I know how I am, and I can do

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1 that. I get along with people.

2 Q Now we had talked briefly about the task
3 force recommendation before, in terms of the
4 governance of the station. Did you ever discuss that
5 task force recommendation with Mr. Palacios?

6 A Yes.

7 Q In what context? How did it come up?

8 A It was during the interview process. I
9 learned that a task force -- that the board had formed
10 a task force to produce a report about the future
11 governance of the station.

12 Q Did Mr. Palacios mention to you one way or
13 the other whether there was any likelihood of the task
14 force recommendation being implemented?

15 A Yes. I mean, there were no promises
16 because there was never a promise, but there was the
17 opportunity that the Board of Education would follow
18 through on the recommendation to set up a third entity
19 to help manage the station.

20 You know I'm coming from San Diego State
21 University where long ago the university had
22 established an auxiliary organization to manage the

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1 station. So you know, in my head I'm thinking, okay,
2 at San Diego State University we still have the
3 original five employees who were employed by the
4 State.

5 But the station was then able to create
6 greater capacity and hire people to do new things and
7 improve the station through the foundation
8 appointment. And seeing the opportunity that the
9 school district might follow that same model and so
10 that okay, we can do things beyond the five employees.
11 You know, I saw that as a great opportunity. But
12 there were no promises ever made that that would
13 follow through.

14 Q In your decision to leave, was the school
15 board's failure to implement the task force
16 recommendation about station governance a factor?

17 A Yes.

18 Q How much of a role did it play?

19 A I remember discussing with Enrique that,
20 for lack of a better way of putting it, I'm tired of
21 waiting. I was exhausted, I was tired. Again, most
22 public radio stations have full-time folks operating

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1 in the capacity of a program director. I was spending
2 full-time listening to the station, making program
3 changes, evaluating staff, a full-time development
4 director, producing the pledge drives, doing the
5 renewals, going out and writing grant requests,
6 raising money full-time.

7 I was the program director, I was the
8 development director, I was general manager at the
9 same time at KALW. I could only do that so long. I
10 could only wait so long until, you know, I had some
11 sense that you know, I could keep doing this and run
12 myself into the ground, or I can just move on and go
13 find other work that you know just doesn't drain me as
14 much. I think that's the kind of help that the
15 station needs.

16 Q So in a sense you recognized that this job
17 was killing you?

18 A Yes.

19 Q You had put on weight, you weren't feeling
20 well, you just had to get out of there?

21 A Yes. I had to go do -- I still -- I love
22 working at public radio. I mean, I wasn't going to

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1 leave public radio. I knew that there were folks in
2 the system who recognized and understood the changes
3 I made to the station and knew that, hey, he took it
4 from Point A to Point B and it's better than it was
5 when he got there. And recognize that.

6 Again, when I left the station, I didn't
7 tell people I was leaving. I was pretty sure that,
8 I'm going to leave, I am going to take, you know, a
9 month or so off and then I'm going to look for work,
10 and I am pretty confident I'm going to find work
11 because people know and recognize the effort I made at
12 KALW.

13 I never expected that somebody from CPB
14 would call me. That was pretty flattering because
15 apparently they had been watching what I was doing at
16 the station. So yes, those were the conditions that
17 I left.

18 Q From the time you decided to leave until
19 you did leave, approximately how much time elapsed?

20 A I'd say about three months.

21 Q When was it that you communicated with Mr.
22 Palacios that you were going to leave?

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1 A I remember it being sometime around
2 Thanksgiving 1997.

3 Q So it would have been shortly after the
4 petition to deny was filed?

5 A Yes. I mean, it would have been that same
6 time frame.

7 Q That was about the time that you had
8 decided that you were going to leave, or you had made
9 that decision somewhat earlier?

10 A Well, I mean it wasn't that -- it's not
11 that the decision to leave had been made or not. It
12 was the decision to like, get together with Enrique,
13 like, Enrique, this is tearing me apart. Like I know
14 when you told me about the job, there was some hope
15 that there would be the thought that the
16 recommendation would follow through on, and I would
17 get some help to create the capacity here at the
18 station so that we could do more better things,
19 strengthen the service or strengthen the public radio
20 -- strengthen the station.

21 And it doesn't appear that we are moving
22 forward fast enough or that we were moving forward at

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